

**From:** "Stuart Dunnings" <sdunnings@ingham.org>  
**To:** <markmeadows@house.mi.gov>  
**Date:** 5/5/2009 3:35 PM  
**Subject:** Fwd: FW: Juveniles with life sentences

Hi Mark, Here are Mike Thomas' thoughts on Juvenile lifers. If there is a thought that PAAM has no position on this issue or we are in favor of no life without parole for juvenile lifers then I think that is in error. In every meeting I have attended when this issue has been raised no one has spoken in favor of abolishing LWOP for juveniles. We may not have formally voted on the bills but if we did and when we do I can assure you that we will oppose them.

A note of clarification. All 17 year olds in Michigan are charged as adults. ACLU inflates the number of juvenile lifers by ignoring Michigan law and adding 17 year olds in the number of juvenile lifers. This is wrong.

Thank you for calling. Take care.  
Stuart

>>> "Mike Thomas" <mthomas@saginawcounty.com> 5/1/2009 6:16 PM >>>

Fyi - from 2004 when this issue first surfaced in MI. The 13 convicted juvenile first degree murderers attributed to Saginaw County included six 17 year old first degree murderers. mike

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From: Michael Thomas [mailto:mthomas@saginawcounty.com]  
Sent: Monday, September 13, 2004 8:13 PM  
To: 'Kresnak, Jack'; 'KC Steckelberg'  
Subject: RE: Juveniles with life sentences

Dear Jack: You're on deadline, you call Monday afternoon when I'm in court, you send me a 27 page report with charts and graphs to respond to at 5:00pm, and I "might not have time." My first response is that the Detroit Free Press really doesn't care about my response or they wouldn't have waited till the last minute to ask for it.

My next response is that the numbers attributed to Saginaw County by the ACLU have no source listed that I can check so I contacted my Circuit Court Administrator to verify our juvenile statistics for convicted first degree murderers who were juveniles at the time of conviction and his report indicates Saginaw County had 7 convicted juvenile First Degree Murderers from 1982-2004 contrary to the 13 listed by the ACLU from 1990-2000. Perhaps the ACLU relied on Department of Corrections data which is sometimes inaccurate. The Saginaw Circuit Court Administrator found statistics indicating First Degree Murder convictions for defendants 16 years old or less, 1982-2004, as follows:

Michael T. Jackson, 1984, aged 16, convicted by jury of First Degree Murder, 750.316-C [prior to my election] Jackson is white.

Dexter Tolliver, 1985, aged 15, convicted by jury of First Degree Murder, 750.316-D [prior also] Tolliver is African American.

Michael Perry, 1991, aged 16, convicted by jury of 3 counts of First Degree Murder, Arson and 3 counts of Attempted Murder [This was my case. Perry threw fire bombs into a house at 4am, they exploded and 3 children - eleven year old girl, nine year old girl and 7 year old boy, died in the fire, the boy burned beyond recognition as he crawled down the stairway gasping for air; the two girls huddled under a broken window, suffocated by the smoke; a twelve year old boy - the object of the attack - and his parents, jumped to safety from another upstairs window. Perry was offered Second Degree Murder pleas but declined through his attorney. The victims were all children of color and beloved students of Merrill Park School. The defendant was white and his co-defendant was Hispanic, aged 13, too young to try as an adult, convicted as a juvenile of Arson. This case occurred across the street from my boyhood home. Can you think of a more horrific way to be killed than to burn up in a fire like 7 year old Isaac did?]

Willie Debardeleben, 1994, aged 16, convicted by jury of 2 counts of First Degree Murder, B & E, Felony Firearm, for killing two young African American men in a home holdup. [Debardaleben also was convicted on Second Degree Murder in the shooting death of a Hispanic male outside a local bar when the victim refused to give him a cigarette. This murder occurred seven months before the double murder but wasn't solved until March 1994. I believe he was on juvenile probation for sodomy of a child at the time of the murders, but I will verify if this is true. Mr. Debardaleben is African American.]

Shytour Williams, 1997, aged 16, convicted by jury of First Degree Premeditated and Felony Murder during the course of Carjacking, Kidnapping, First Degree Criminal Sexual Conduct w/penetration, Robbery Armed, Conspiracy and Felony Firearm. [My case also - defendant and his recently paroled older cousin, kidnapped and carjacked an 18 year old MSU coed home from college over Christmas break in broad daylight and robbed and raped her and showed her in the back of her carjacked SUV to other citizens while holding her hostage over a ten hour period and murdered her by strangling her to death with the seat belt in the car and dumped her in an industrial park on 1/3/97. Shytour Williams testified in his own defense and lied about not being there but other African American acquaintances testified that he was the one who showed them the victim bound and cowering in the back of her SUV. After his mother and father testified that he wouldn't do such a thing and that he never used drugs in their house, he testified that he did smoke marijuana in the house before leaving for the crime scene with his 18 year old brother and 28 year old cousin. The brother broke off from the two just before it happened and was never charged but testified as a hostile witness. DNA in the car matched the cousin and he was subsequently convicted in a separate murder trial. The terror visited on this victim and our community was palpable and reflected in the media interest in this case both in local news and the Michigan State University paper which covered the trial from start to finish. The Defendant was African American, 6' 3", 200#. The victim weighed 115. The United States Attorney declined to prosecute the defendants in this case for capital murder because, in part, this defendant was a juvenile when he committed this murder.]

Elliot Whittington, 1998, aged 16, convicted by jury of 2 counts of First Degree Murder, 750.316-A & B. [He killed two elderly numbers runners in a robbery. Both men were African American as was the Defendant.]

Oliver Webb, 1998, aged 16 3/4, convicted by a jury of Premeditated and Felony First Degree Murder, Armed Robbery and Felony Firearm, of an African American victim, 750.316-A & B.

I cannot vouch for certain that these are all of the juveniles convicted of First Degree Murder in Saginaw since 1982 but this is the information I received from my source, Dave Cable, Saginaw County Circuit Court Administrator. I don't know the ACLU's source.

There have been other Second Degree Murder convictions and Conspiracy to Commit First Degree Murder [paroleable under Michigan case law]. Saginaw County had over six hundred murders from 1970-1990 when it had nearly the highest per capita murder rate in Michigan and many remain unsolved. Violent crime and murders decreased substantially in Saginaw County from a high point of 1991.

What does this say about Saginaw? 1] Citizens are safer today because violent, dangerous, murderous juveniles are off our community's streets.

2] The punishment fits the crime of First Degree Murder - does the ACLU want the alternative, capital punishment?

3] These convicted juvenile murderers killed vulnerable members of our community - women, children, seniors, many victims of color. The murderer chose to kill them - Michigan law gives the murderer the ability to live, albeit in prison.

4] Juvenile chronological age is not as relevant as a juvenile criminal's physical size and criminal maturity. Debardeleben is 6'3", 195# and had a lengthy criminal history. Mike Perry was 6'2" almost 200#. On the other hand, many "adult" defendants are convicted of First Degree Murder in Michigan and the Legislature says they are adults even though they may be small, physically weak or less able to defend themselves. The ACLU doesn't argue for their release on parole. For 17 year old skinny, small convicted First Degree Murderers, the law says the sentence is life without parole. E.g. Jerry Allore, a little wiry runt who sexually assaulted a senior citizen in her own home, beat her to death and set fire to her sitting in her chair to destroy the evidence. Allore was convicted by a jury of First Degree Murder even though he was youthful looking 17 year-old, by 8 days.

5] Convicted juvenile murderers begin prison life at Baldwin with other children their own age, most in there for much less serious crimes. As they mature chronologically, they are relocated into other institutions with inmates of similar classification. If an inmate is dangerous, he will be classified like Dexter Tolliver into Ionia Maximum. If he adapts, he could spend his life in minimum security prisons where he'll spend his day outside of his "room", enjoy recreational and artistic pursuits, and then retire for the evening in a room he shares with another inmate, while the victim remains passed and the victim's family goes on without them. The victim gets death - the inmate gets life, without parole.

6] While all of these convicted juvenile murderers are sentenced by law to life in prison without parole, each inmate in Michigan has another remedy possible. As the ACLU well knows, the governor retains the constitutional right to commute or pardon any prisoner, including these juvenile murderers,

if she/he finds that their hardship facts merit their release. Gov. Romney and Gov. Milliken regularly pardoned hundreds of murderers, including First Degree inmates. Gov. Blanchard and Gov. Engler pardoned less murderers, but some. Gov. Granholm has yet to pardon murderers but the ACLU can appeal to her by seeking a pardon for these individuals.

The ACLU has focused on the rehabilitation of convicted First Degree Murderers, who were under age 17 at the time they murdered these victims. The public and its representatives must focus on the permanent harm to our communities' safety and the direct destruction that their murders have caused our victims' families forever. More thought and study should be put into why these murderers took lives, why these victims are most often vulnerable persons of color in our communities, why these murderers get away with other crimes against humanity and what exactly we can do to prevent them from killing those among us before they do.

I can't tell you, Jack, why Saginaw has had so many murders and so many murderers over the past thirty+ years. I can tell you it has improved over the past ten years in Saginaw County - fewer murders, fewer Part I crimes and more public safety. There was a prison build-up and an increased number of convicted murderers going to prison, but I don't know if that's the answer. The Saginaw News reports today that the DOJ's most recent crime victimization report says the crime rate is at the lowest level in 30 years, nationally [same for Saginaw County but going up due to recent police personnel cuts]. The expert at American University Department of Justice opines that it might be because of a record prison population [not the answer the ACLU wants to hear] and the "terrorism fight's chilling effect on more routine street crime" [like murder, robbery, rape, aggravated assault, arson, burglary, larceny and auto theft.]

A better story than unfairness to juvenile murderers might be why did they kill, why did they kill these victims, why weren't they more worried about the consequences, what made them so unconcerned about the pain and suffering they visited on these victims, who raised these murderers to devalue life, how many more murders were prevented by good medicine or bad aim, and finally, how can we prevent the USA from having the highest murder rate in the free world? Does incarceration cause crime, and murders, or does incarceration prevent further crimes and murders?

Have a nice day. Sorry this took so long. It's a lot shorter than 27 pages and it was done after hours. Perhaps your story could wait until a fair and balanced review of the responses to the ACLU. Maybe there's a clamor for releasing juvenile First Degree Murderers, but I doubt it - if so, the Governor's pardon/commutation is still available. Recall the dire predictions for more juvenile violent crime and murders in 1990 - Prof. Alan Fox of Northeastern/Boston comes to mind - because of the impending growing birth cohort [more baby boomer children]; it never happened, while the prison build-up did. Today's Justice Department Victimization Survey reports "Violent crime rate has dropped in every income category by at least 40% between 1993 and 2003." That's good news to citizens living in Saginaw, Detroit and America. We can do better and we should. Paroling First Degree Murderers doesn't seem to be part of the solution.

-----Original Message-----

From: Kresnak, Jack [mailto:kresnak@freepress.com]  
Sent: Monday, September 13, 2004 4:42 PM  
To: mthomas@saginawcounty.com  
Subject: FW: Juveniles with life sentences

Mike,  
Here's the report. There are some details about Saginaw County that I'd like you to respond to, but I am pressed on deadline and you may not have time.

If you can, please e-mail back a response.

Jack Kresnak

-----Original Message-----

From: Wendy Wagenheim [mailto:wendy@aclumich.org]  
Sent: Friday, September 10, 2004 5:09 PM  
To: Kresnak, Jack; Gerritt, Jeff  
Subject: Juveniles with life sentences

We are releasing a report next Tuesday on the issue of juveniles with life sentences without the possibility of parole. It's an amazing report that deserves attention. Please take a look at it now, but know that it is embargoed until Tuesday. If you have any questions, please call Deb Labelle or me. I'm also attaching the press release we sent last March when we got the grant to do this. Thanks.

Wendy Wagenheim

Communications Director

ACLU of Michigan

60 W. Hancock

Detroit, MI 48201

(313) 578-6816

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